

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

Case No. 3:23-md-3071

MDL No. 3071

JURY DEMAND

Chief Judge Waverly D. Crenshaw, Jr.

**This Document Relates to:
ALL CASES**

**STATUS UPDATE CONCERNING PERSONAL JURISDICTION AND VENUE
MATTERS**

On June 21, 2023, in connection with motions to dismiss the original consolidated Class Action Complaint, Defendants filed their Notice of Number and Nature of Anticipated Motions, wherein they identified particular Defendants who intended to file motions to dismiss based on lack of personal jurisdiction and/or venue challenges. (Dkt. 297 at 6-7.) Per the Court's June 22, 2023 Order (Dkt. 298), the parties conferred, resulting in a stipulation between Plaintiffs and certain Defendants (the "Stipulating Defendants"), to defer motion practice on the issues of personal jurisdiction and venue for 180 days ("Stipulation") (Dkt. 317).¹ On July 10, 2023, the

¹ The Stipulating Defendants are: Essex Property Trust, Inc. and Essex Management Corporation; Cortland Management, LLC; Equity Residential; Security Properties, Inc.; Rose Associates Inc.; ZRS Management, LLC; Thrive Communities Management, LLC; Mid-America Apartment Communities, Inc.; Prometheus Real Estate Group, Inc.; Sares Regis Group Commercial, Inc.; Morgan Properties Management Company, LLC and Morgan Properties, LP; Dayrise Residential, LLC; Independence Realty Trust, Inc.; Conti Capital; Kairoi Management, LLC; ConAm Management Corporation; Camden Property Trust; RPM Living, LLC; B/T Washington, LLC d/b/a Blanton Turner; Highmark Residential, LLC; Allied Orion Group, LLC; Windsor Property Management Company; Greystar Real Estate Partners, LLC; Lincoln Property Company; and Sherman Associates, Inc.

Of these Stipulating Defendants, Plaintiffs subsequently: (1) substituted corrected entities for Security Properties, Inc., Conti Capital, and Greystar Real Estate Partners; (2) named Mid-America Apartments, L.P. alongside Mid-America Apartment Communities, Inc.; and (3) dismissed Essex Management Corporation, Morgan Properties, LP, and B/T Washington, LLC d/ba Blanton Turner.

Court entered an Order consistent with the Stipulation and directed that the parties—within 180 days of the issuance of the Order (*i.e.*, by January 5, 2024)—submit a status report that would either: (1) alert the Court that issues of personal jurisdiction and venue have been resolved; or (2) propose a briefing schedule for the Court to resolve any remaining motions concerning personal jurisdiction and venue with respect to the Stipulating Defendants (Dkt. 353).

Continued discussions between the parties led to Plaintiffs filing an Unopposed Omnibus Motion to Dismiss Certain Defendants and Substitute Corrected Defendants (Dkt. 528), which requests were adopted in the Court’s Order dated September 11, 2023 (Dkt. 536), and resolved many of the outstanding personal jurisdiction and/or venue issues.

On October 9, 2023, certain of the Stipulating Defendants (the “Moving Defendants”) joined Defendants’ Motion to Dismiss Tennessee Actions for Lack of Personal Jurisdiction and Improper Venue (“PJ MTD”) (*see* Dkt. 585, at 1).²

In compliance with the Court’s July 10, 2023 Order, Plaintiffs have conferred with the Stipulating Defendants that did not join the PJ MTD (the “Remaining Stipulating Defendants”).³ As of the date of this filing, none of the Remaining Stipulating Defendants have informed Plaintiffs that there are unresolved issues of personal jurisdiction and venue requiring motion practice.

Accordingly, Plaintiffs respectfully inform the Court that all issues of personal jurisdiction and venue as to the Stipulating Defendants have been resolved, save those raised in the PJ MTD,

² The Moving Defendants are: ConAm Management Corporation, CONTI Texas Organization Inc., d/b/a CONTI Capital, Essex Property Trust, Inc., Prometheus Real Estate Group, Inc., Rose Associates, Inc., Sares Regis Group Commercial, Inc., Sherman Associates, Inc., and Windsor Property Management Company.

³ The Remaining Stipulating Defendants are: Cortland Management, LLC; Equity Residential; ZRS Management, LLC; Thrive Communities Management, LLC; Mid-America Apartment Communities, Inc. and Mid-America Apartments, L.P.; Morgan Properties Management Company, LLC; Dayrise Residential, LLC; Independence Realty Trust, Inc.; Kairoi Management, LLC; Camden Property Trust; RPM Living, LLC; Highmark Residential, LLC; Allied Orion Group, LLC; and Lincoln Property Company.

which remains pending before the Court.

Dated: January 5, 2024

/s/ Tricia R. Herzfeld

Tricia R. Herzfeld (#26014)

Anthony A. Orlandi (#33988)

**HERZFELD SUETHOLZ GASTEL LENISKI
AND WALL, PLLC**

223 Rosa L. Parks Avenue, Suite 300

Nashville, TN 37203

Telephone: (615) 800-6225

tricia@hsglawgroup.com

tony@hsglawgroup.com

Liaison Counsel

Patrick J. Coughlin

Carmen A. Medici

Fatima Brizuela

SCOTT+SCOTT ATTORNEYS AT LAW LLP

600 West Broadway, Suite 3300

San Diego, CA 92101

Telephone: (619) 798-5325

Facsimile: (619) 233-0508

pcoughlin@scott-scott.com

cmedici@scott-scott.com

fbrizuela@scott-scott.com

Patrick McGahan

Amanda F. Lawrence

Michael Srodoski

G. Dustin Foster

Isabella De Lisi

SCOTT+SCOTT ATTORNEYS AT LAW LLP

156 South Main Street

P.O. Box 192

Colchester, CT 06145

Telephone: (860) 537-5537

Facsimile: (860) 537-4432

pmcgahan@scott-scott.com

alawrence@scott-scott.com

msrodoski@scott-scott.com

gfoster@scott-scott.com

idelisi@scott-scott.com

Stacey Slaughter

Thomas J. Undlin
Geoffrey H. Kozen
Stephanie A. Chen
J. Austin Hurt
Caitlin E. Keiper
ROBINS KAPLAN LLP
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
Telephone: (612) 349-8500
Facsimile: (612) 339-4181
sslaughter@robinskaplan.com
tundlin@robinskaplan.com
gkozen@robinskaplan.com
schen@robinskaplan.com
ahurt@robinskaplan.com
ckeiper@robinskaplan.com

Swathi Bojedla
Mandy Boltax
HAUSFELD LLP
888 16th Street, N.W., Suite 300
Washington, DC 20006
Telephone: (202) 540-7200
sbojedla@hausfeld.com
mboltax@hausfeld.com

Gary I. Smith, Jr.
Joey Bui
HAUSFELD LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94111
Tel: (415) 633-1908
gsmith@hausfeld.com
jbui@hausfeld.com

Katie R. Beran
HAUSFELD LLP
325 Chestnut Street, Suite 900
Philadelphia, PA 19106
Telephone: 1 215 985 3270
kberan@hausfeld.com

Interim Co-Lead Counsel

Eric L. Cramer
Michaela L. Wallin
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
ecramer@bm.net
mwallin@bm.net

Daniel J. Walker
BERGER MONTAGUE PC
2001 Pennsylvania Avenue, NW, Suite 300
Washington, DC 20006
Telephone: (202) 559-9745
dwalker@bm.net

Brendan P. Glackin
Dean M. Harvey
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, Suite 2900
San Francisco, CA 94111
Telephone: 415-956-1000
bglackin@lchb.com
dharvey@lchb.com

Mark P. Chalos
Hannah R. Lazarz
Kenneth S. Byrd
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
222 2nd Avenue South, Ste. 1640
Nashville, TN 37201
(615) 313-9000
mchalos@lchb.com
hlazarz@lchb.com
kbyrd@lchb.com

Steve W. Berman
Breanna Van Engelen
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101
Telephone: (206) 623-7292

Christian P. Levis
Vincent Briganti
Peter Demato
Radhika Gupta
LOWEY DANNENBERG, P.C.
44 South Broadway, Suite 1100
White Plains, NY 10601
Telephone: (914) 997-0500
Facsimile: (914) 997-0035
vbriganti@lowey.com
clevis@lowey.com
pdemato@lowey.com
rgupta@lowey.com

Christopher M. Burke
Walter W. Noss
Yifan (Kate) Lv
KOREIN TILLERY P.C.
707 Broadway, Suite 1410
San Diego, CA 92101
Telephone: (619) 625-5621
Facsimile (314) 241-3525
cburke@koreintillery.com
wnoss@koreintillery.com
klv@koreintillery.com

Joseph R. Saveri
Cadio Zirpoli
Kevin E. Rayhill
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, CA 94108
Telephone: (415) 500-6800
jsaveri@saverilawfirm.com
swilliams@saverilawfirm.com
czirpoli@saverilawfirm.com
krayhill@saverilawfirm.com

Jennifer W. Sprengel
Daniel O. Herrera
Alexander Sweatman
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP
135 S. LaSalle, Suite 3210
Chicago, IL 60603
Telephone: 312-782-4880

Facsimile: (206) 623-0594
steve@hbsslaw.com
breannav@hbsslaw.com

Benjamin J. Widlanski
Javier A. Lopez

**KOZYAK TROPIN &
THROCKMORTON LLP**

2525 Ponce de Leon Blvd., 9th Floor
Coral Gables, Florida 33134
Telephone: (305) 372-1800
bwidlanski@kttlaw.com
jal@kttlaw.com

Facsimile: 312-782-4485
jsprenkel@caffertyclobes.com
dherrera@caffertyclobes.com
asweatman@caffertyclobes.com

Plaintiffs' Steering Committee Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Tricia R. Herzfeld

Tricia R. Herzfeld